

### REMARKS

This is in response to the Office Action dated December 27, 2010. With this response, claims 1-5, 11-12, 16-18, 38, 40, 42, 44, 45, 47, 48, 50, 52, 53, 55, 56, 59 and 60 are amended, claim 9 is cancelled, and all pending claims 1-5, 8, 10-19, 33-34, 37-42, 44-61 and 64 are presented for reconsideration and favorable action.

#### **1. Enablement requirement**

The Examiner objected that claims 3, 13, 16, 45, 62, 65 and 66 fail to comply with the enablement requirement.

Note that claims 62, 65 and 66 were previously cancelled.

Applicant submits that Figures 4a and 4b, together with the corresponding description, provide sufficient support for carrying out the invention.

##### **1.1 Claim 3**

Claim 3 formerly referred to a "mechanical potential" of the take-off element. This mechanical potential is not shown in Figs. 4a and 4b for reasons of simplicity (see description at page 19, lines 25, 26:

*"For reasons of simplicity, the mechanical potential of the take-off 3 is not shown in FIGS. 4a-4d."*

However, as disclosed in the general part of the application at page 3, lines 5-16, i.e., without being limited to a particular embodiment, it will be clear that:

*"the device comprises a driving mechanism or drive and a take-off mechanism or take-off, wherein the drive and take-off are connected via at least one coupling element in such a manner that at least one coupling element moves in any way upon a relative movement between the drive and the take-off, wherein, however, it cannot transmit the movement of the drive to the take-off because the latter's mechanical potential or the latter's resistance to a specific movement or a specific course of movement or part of movement cannot be overcome. In particular, the drive and take-off are coupled via the at least one coupling*

*element in such a manner that in the decoupled state a movement of the drive causes a movement of at least one coupling element which cannot transmit a movement of the drive to the take-off.*

Based on the disclosure claim 3 is amended into:

3. The device according to claim 1, wherein the movement of the drive in the decoupled state cannot be transmitted to the take-off by the movement of the at least one coupling element because the mechanical-potential-resistance of the take-off formed by a storage device cannot be overcome.

Please be also refer to page 6, lines 1, 2:

***"The take-off has preferably a first resistance or first mechanical potential which has to be overcome so that the take-off can rotate. "***

### **1.2 Claim 13**

With regard to Figs. 4a and 4b, the Examiner is referred to page 19, lines 14-16:

*"In the view shown in FIG. 4a, the actuator in form of an electromagnet is furthermore omitted for reasons of better overview. Furthermore, in FIGS. 4, 5 and 6, no mechanical potential arranged at the drive has been indicated for reasons of better overview."*

Based on the disclosure, it is believed that a person skilled in the art would know how to integrate an electromagnet even such a magnet is not explicitly shown in Figs. 4a and 4b.

### **1.3 Claim 45**

Regarding the center of mass, the Examiner is referred to page 22, lines 1-6:

*"In a rotatable embodiment of the coupling locking element 17 and/or the switch element 30, the center of mass of said elements can be supported in their rest position (decoupled) relatively to their rotation axis such that in case of accelerations which have essentially the direction of the direction of attack, no coupling can be caused. For example, this can preferably be achieved in that the connection line between center of mass and rotation center is essentially parallel to the direction of attack."*

This disclosure provides sufficient support for a person skilled in the art.

As mentioned before, the figures refer merely to preferred embodiments of the invention, i.e., not all features are shown in the figures.

In the Office Action, a number of claims were rejected under 35 USC § 112. With this response the claims have been amended and it is believed that the rejection may be withdrawn.

In particular, the Examiner objected that the term "causes a movement component ... being orthogonal" is grammatically awkward. The Examiner further objected that it is also awkward how a coupling locking element can be located between at least **one** coupling element. To overcome these objections independent claim 1 now refers to **two** coupling elements and the orthogonal movement is further defined with regard to a rotational movement of the drive. Furthermore, the movement "away" has been further defined to be a "radial" movement.

## **2. Patentability**

The Examiner briefly objected in section 7 that the present independent claims 1 and 2 are still considered to lack novelty in view of cited document US 6,112,564 ("*Rathmann*"). The Examiner, however, did not provide any detailed claim analysis or arguments, but merely argued that "*Rathmann*" also discloses:

- i) take-off (1.1);
- ii) an orthogonal coupling element (1.11), and
- iii) a coupling locking element (2.6)...

It still appears that the Examiner only focussed on the particular parts of Fig. 1 of "*Rathmann*" but ignored their interrelationship which are important for the present invention,. Applicant will again try to explain the basic concept of the present invention with reference to Fig 4a.

### **2.1 Decoupled state**

The subject-matter of the claimed invention, distinguishes over *Rathmann* at least in the decoupled state. In particular claim 1 requires that "in the decoupled state a movement of the drive causes a movement of the coupling element which is not suitable for transmitting a movement from the drive to the take off". Furthermore the drive causes an **orthogonal** movement

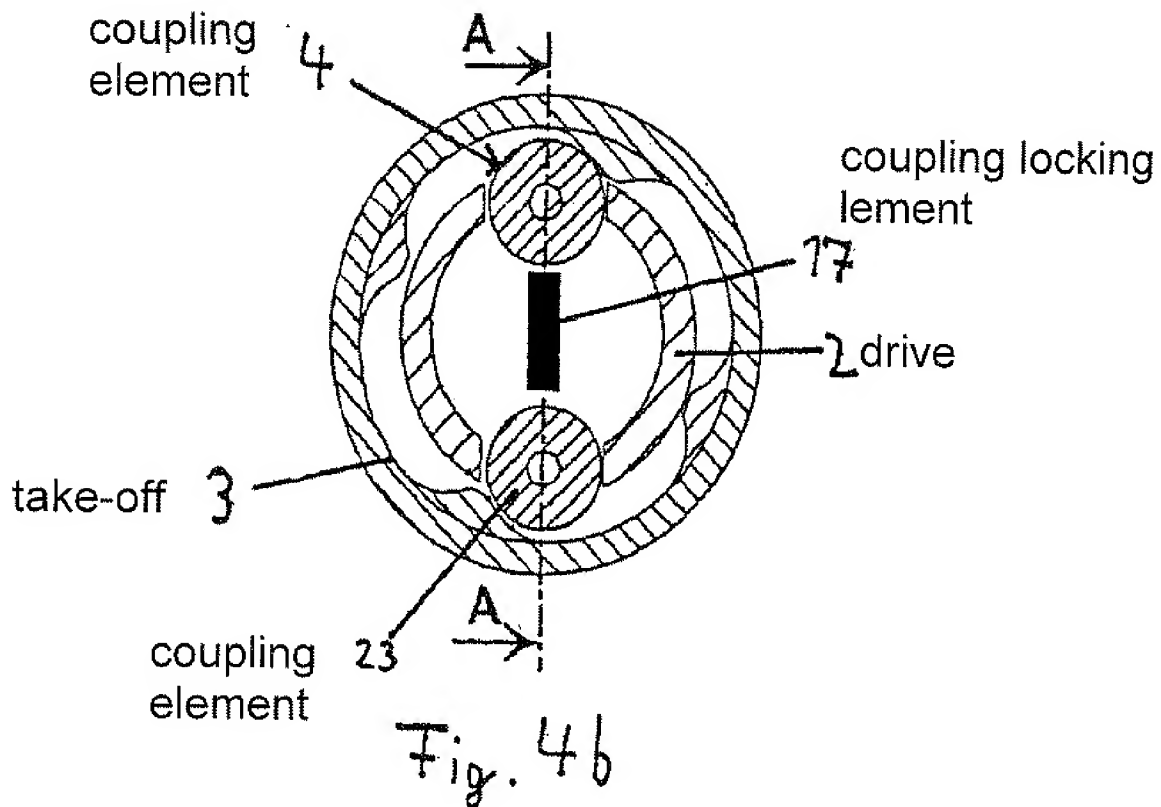
of the coupling element.

Independent claims 1 and 2 have been further clarified in that the movement of the drive 2 (claim 1) or the respective movement of the take-off 3 (claim 2) is a **rotational** movement, whereas the "evasive" movement of the coupling elements 4,23 is a **radial** movement.

Such a **radial** evasive movement, which is caused by the rotational movement of the drive is neither disclosed nor suggested by "Rathmann".

## 2.2 Coupled state

The illustration below shows the device of the present invention in the coupled state. The movable coupling locking element 17 is located between the coupling elements 4, 23 so that the coupling elements 4, 23 can no longer move away (move radially) such that the rotational movement of the drive 2 essentially causes the movement of the coupling elements in a same rotational direction together with the take-off, which also rotates.



Support for the claim amendments and the above provided analysis may be found, for example, from page 3, lines 20 -27 (emphasis added):

"Preferably, the drive and take-off are coupled via the coupling element in such a manner that in the decoupled state, a rotational movement of the drive causes an essentially axial and/or radial movement of the coupling element and that a rotational movement of the drive in the coupled state essentially causes a rotational movement of the coupling element. In this regard, an axial and/or radial movement of the coupling element preferably essentially does not cause a movement of the take-off, wherein a rotational movement of the coupling element preferably essentially causes a rotational movement of the take-off."

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment, including the Office Action's characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Applicant reserves the right to prosecute the rejection claims in further prosecution of this or related applications.

In view of the above amendments and remarks, it is believed that the present application is in condition for allowance. Consideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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